

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
No. 1:23-cv-00423-WO-JLW

TIMIA CHAPLIN; SARAH FIELDS; SAYELINE)
NUNEZ; THOMAS HAYWARD; KEVIN)
SPRUILL; ROTESHA MCNEIL; QIANA)
ROBERTSON; YOUSEF JALLAL; MESSIEJAH)
BRADLEY; DENNIS KEITH LASSITER;)
PAULINO CASTELLANOS; ROBERT LEWIS;)
and ALLEN SIFFORD, on behalf of themselves)
and all others similarly situated,)

Plaintiffs,)

v.)

GARY L. MCFADDEN, officially, as the Sheriff of)
Mecklenburg County; JOHN DOE SURETY, as)
surety for the Sheriff of Mecklenburg County;)
WILLIE R. ROWE, officially, as the Sheriff of)
Wake County; BRIAN ESTES, officially, as the)
Sheriffs of Lee County; THE OHIO CASUALTY)
INSURANCE COMPANY, as the surety for the)
Sheriff of Wake County and Lee County; TYLER)
TECHNOLOGIES, INC.; RYAN BOYCE,)
officially, as the Executive Director of the North)
Carolina Administrative Office of the Courts;)
BRAD FOWLER, officially, as the eCourts)
Executive Sponsor and Chief Business Officer of)
the North Carolina Administrative Office of the)
Courts; ELISA CHINN-GARY, individually and)
officially, as the Mecklenburg County Clerk of)
Superior Court; BLAIR WILLIAMS, individually)
and officially, as the Wake County Clerk of)
Superior Court; SUSIE K. THOMAS, individually)
and officially, as the Lee County Clerk of Superior)
Court; and DOES 1 THROUGH 20, INCLUSIVE,)

Defendants.)
_____)

**MOTION TO DISMISS
PLAINTIFFS' SECOND
AMENDED COMPLAINT
OF DEFENDANT BRIAN
ESTES,
IN HIS OFFICIAL
CAPACITY AS SHERIFF
OF LEE COUNTY**

Defendant Brian Estes, in his official capacity as Sheriff of Lee County, by and through the undersigned counsel, hereby moves the Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss all claims asserted against him in Plaintiffs' Second Amended Complaint.

As grounds for this motion, defendant Brian Estes, in his official capacity as Sheriff of Lee County, would show the Court that the Plaintiffs' Second Amended Complaint (Doc. 77) fails to state a claim upon which relief can be granted as to defendant Brian Estes in his official capacity as Sheriff of Lee County. Further grounds for this motion are set forth in Defendant Estes' brief, which is being filed contemporaneously with this motion.

WHEREFORE, Defendant Brian Estes, in his official capacity as Sheriff of Lee County, respectfully submits that his motion to dismiss should be granted.

Respectfully submitted, this the 8th day of April, 2024.

/s/ James R. Morgan, Jr.
James R. Morgan, Jr.
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Attorney for Defendant Brian Estes

CERTIFICATE OF SERVICE

I hereby certify that on April 8, 2024, I electronically filed the foregoing **MOTION TO DISMISS PLAINTIFFS' SECOND AMENDED COMPLAINT OF DEFENDANT BRIAN ESTES, IN HIS OFFICIAL CAPACITY AS SHERIFF OF LEE COUNTY** with the Clerk of Court using the CM/ECF system, which will send notification of the filing to all Counsel of record.

/s/ James R. Morgan, Jr.

James R. Morgan, Jr.

N.C. State Bar No. 12496

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